CP 300

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2353/2004

PETITIONERS : 1. Naresh Kumar Thakur,
S/o Chain Singh,
aged about 37 years, working as
Assistant Teacher at Primary
School, Barupata, R/o Village-
Barupata, Tahsil- Jagdalpur,
District- Baster (C.G.).

2. Chinta Ram Sahu,
S/o Late Sarju Ram,
Aged about 45 years, U.D.T.
In Govt. Higher Secondary School,
Kookanar, R/o Village- Kookanar,
Tahsil- Jagdalpur, District-
Baster (C.G.).

3. Rajendra Kumar,
S/o Ankalu Ram Naik,
Aged about 37 years,
Working as Assistant Teacher,
Primary School, Irpa Pujari,
R/o Village- Bastanar, Tahsil-
Jagdalpur, Distt. Baster (C.G.).

P. R. No. 2345 dated 2/8/04 Presented by Shri ...

RECEIVED-COPY 2/8/04 Clerk to A.G. Bilaspur

-Versus-

RESPONDENTS : 1. State of Chhattisgarh,
Through the Secretary Adim Jaiti
Tatha Anusuchit Jati Vikas
Vibhag, Mantralaya, Raipur (C.G.).

2. Director,
Adim Jati Tatha Anusuchit Jati
Vikas Vibhag, Raipur (C.G.).

शपथ आयुक्त बिलासपुर तहसील छत्तीसगढ़ 2/8/04

(7)

3. Collector (Adivashi Vikas Shakha) Jagdalpur (C.G.).

4. Assistant Director, Adim Jati Tatha Anusuchit Jati Vikas Vibhag, Collectorate Building, Jagdalpur (Baster) (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC.OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक WP 2353 /04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13.09.2004

Shri Prashant Jayaswal, counsel for the petitioner.

Shri U.N.S. Deo, Govt. Advocate for the State.

Heard on I.A.No.6420/2004

Learned counsel for the petitioners submits that he wants to delete the name of petitioner no.1 as his transfer has been cancelled.

Application is allowed. Name of petitioner no.1 be deleted.

I.A.No.6421 of 2004 and I.A. 5313/2004 for urgent hearing are allowed.

Heard.

Shri Jayaswal submits that the petitioners were earlier transferred in the year 2003 and they were not relieved on the ground that there were elections for State Legislative Assembly and subsequently for Lok Sabha. It is pointed out that certain persons had filed various petitions including one bearing W.P.No.1465/2004 and this Court has passed the order dated 05.6.2004 directing that they be allowed to join to their places of posting and be relieved. It is pointed out that thereafter, as a counter blast to that, by order dated 18.6.2004, the transfer orders have been cancelled in a most cryptic and casual manner by just mentioning that those who have not been relieved and not handed over the charge till 18.6.2004 their transfers stand cancelled on administrative exigency with immediate effect.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक WP 2353 / 04 सन् 200

विरुद्ध

आदेश का दिनांक, आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The petitioners were making request for being relieved since 2003, but they were deliberately not relieved on the pretext that Vidhan Sabha elections are there and thereafter, Lok Sabha elections are to be held. Some of the employees have filed writ petitions before this Court and this Court had passed a detailed order directing the State to relieve them. The State should have relieved those persons in the year 2003 or in any case immediately after the Vidhan Sabha or Lok Sabha elections. The State and its officials are themselves responsible for not relieving them so as to join to the places of posting. During this period, many of them have shifted their families, got admitted their children in schools and just by one line cryptic order without assigning any reason, all transfers have been cancelled.

Having thus considered, so far as these orders are concerned, they are not sustainable and have to be set aside and are set aside. The question remains as to what is to be done for relieving.

Counsel for the parties submitted that the petitioners be given opportunity to make their representations.

The petitioners may make representations within 10 days from today, and on such representations being filed, they will be considered as early as possible preferably within 4 weeks. The State would consider all aspects of the matter and the relevant facts and circumstances under which they were transferred and

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(39)

आदेश पत्रक

मामला क्रमांक WP 2353/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

not relieved. It is made clear that if any grievance still remains, petitioners may avail the remedy under law.

This petition is disposed of with the above directions/ observations.

Accordingly, M.W.P.No.2089/2004 also stands disposed of.

C.C. as per rules.

Sd/-
Fakhruddin
Judge

Read Portion

17-05-04

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